

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARY M. AGNELLO, Executrix of the)
Estate of FRANK R. AGNELLO,)
)
Plaintiff)
)
 vs.) Civ. No.07-19E
)
)
PARAGON DEVELOPMENT, LTD.,)
)
Defendant,)
)

MEMORANDUM ORDER

Pending before the Court is Plaintiff's Motion for Enlargement of Time and to Conduct Discovery on the Issue of Jurisdiction [Doc. #8]. On April 8, 2007, Defendant filed a "Motion to Dismiss Pursuant to F.R.C.P. 12(b)(2) and/or (3) or, alternatively, Motion for Transfer of Venue Pursuant to 28 U.S.C. § 1404(a)." In its motion, Defendant first argues that this Court lacks personal jurisdiction over Defendant and therefore, we must dismiss Plaintiff's Complaint against it. Defendant next argues that this Court is not the proper venue for this action. Alternatively, Defendant argues that this matter should be transferred to the United States District Court for Nevada, Las Vegas Division. By Order dated April 9, 2007, we ordered Plaintiff to file her response to Defendant's motion by May 9, 2007.

Plaintiff argues that her motion for extension of time should be granted because Plaintiff's counsel never received a copy of the Court's Order dated April 9, 2007, by electronic mail or otherwise, and it was not until either April 27 or April 30, 2007, that the administrative assistant to Plaintiff's counsel was called by someone from our Clerk of Court's office and was told that for some unknown reason, the Clerk's office had been unable

to send Plaintiff's counsel a copy of the April 9, 2007 Order. Therefore, it was not until April 27th or 30th, 2007, that Plaintiff's counsel reviewed the Order.

Plaintiff argues that her motion to conduct discovery on the issue of jurisdiction should be granted because while Plaintiff believes that there are a number of facts which support our Court having personal jurisdiction, much of the evidence to support these facts is in the exclusive control of the Defendant.

By letter dated May 7, 2007, the Clerk of Court for the Western District of Pennsylvania informed Plaintiff's counsel that his records indicate that Plaintiff's counsel has not been admitted to practice before this Court. Obviously, this is why Plaintiff's counsel did not receive the April 9, 2007 Order and Plaintiff's counsel must immediately address this situation. Nevertheless, the Court finds that it is in the interest of justice to grant Plaintiff's pending Motion.

Accordingly, this 14th day of May, 2007, it is hereby ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion for Enlargement of Time and to Conduct Discovery on the Issue of Jurisdiction [Doc. #8] is GRANTED. The parties shall have until August 6, 2007 to conduct discovery on the issue of whether this Court has personal jurisdiction over Defendant Paragon Development, Ltd. in the above-captioned matter. Thereafter, Plaintiff shall file a response to Defendant's Motion to Dismiss Pursuant to F.R.C.P. 12(b)(2) and/or (3) or, alternatively, Motion for Transfer of Venue Pursuant to 28 U.S.C. § 1404(a) on or before August 27, 2007. Then Defendant shall have until September 17, 2007 to file a reply

to Plaintiff's response to Defendant's Motion to Dismiss Pursuant to F.R.C.P. 12(b)(2) and/or (3) or, alternatively, Motion for Transfer of Venue Pursuant to 28 U.S.C. § 1404(a) .

S/ Maurice B. Cohill, Jr.

Maurice B. Cohill, Jr.

Senior District Court Judge

cc: counsel of record